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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,912	12/30/2004	Richard A MOWERY JR.		2926

7590
Richard A Mowery Jr
911 Morning Sun Lane
McGregor, TX 76657

08/10/2007

EXAMINER

NGUYEN, HUNG T

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
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08/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/519,912	Applicant(s) MOWERY, RICHARD A	
	Examiner HUNG T. NGUYEN	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6-10,12-14 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6-10,12-14 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In the Specification:

The Specification filed on 7/26/2007 is objected because it is unclear (missing words) on first line.

Applicant must provide & resubmit a clear & better the Specification and examiner will be appreciate and to request that applicant does double check every pages before send or fax to us or USPTO.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6-10, 12-14 & 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mowery, Jr. (U.S. 6,492,897).

Regarding claim 1, Mowery, Jr. teaches a technique of system for handoff [col.13, lines 1-9, col.18, lines 24-33 and abstract] comprising:

- tethered or untethered device with power line communication to a street light (35) / highway [fig.2, col.6, lines 38-46, col.7, lines 1-25, col.10, lines 24-62 and col.13, lines 44-50];

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- the power line communication with an integrated circuit and real time [col.7, lines 10-15 and col.8, lines 25-34];
- reassigning a first untethered device and second tethered device within a first cell and a different tethered device within the first cell or second cell [col.12, lines 19-25 and col.13, lines 1-9].

The reference of Mowery, Jr. does not specifically mention exactly terms as “base stations”, “first base station” and “second base station” as claimed by the applicant because that is obvious design choice of the skilled artisan.

Mowery, Jr. teaches the technique of system for handoff including reassigning a first untethered device and second tethered device within a first cell and a different tethered device within the first cell or second cell and also mentions **multi sites** of users can be communicated by radio frequency signal / wireless [col.9, lines 23-64, col.12, lines 19-25 and col.13, lines 1-9].

Therefore, it would have been obvious to one having ordinary skill in the art to utilize the system of Mowery, Jr. to perform the same function as desired.

Regarding claim 6, Mowery, Jr. teaches the system for handoff including communication network which **multi sites** of users can be communicated by radio frequency signal / wireless [col.11, lines 1-22, and col.13, lines 1-9].

Regarding claim 7, Mowery, Jr. teaches the system for handoff including determining signal power and evaluating the data [col.18, lines 54-60 and col.19, lines 1-6].

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- reassigning a first untethered device and second tethered device within a first cell and a different tethered device within the first cell or second cell [col.12, lines 19-25 and col.13, lines 1-9].

Regarding claims 8-9, Mowery, Jr. teaches the system for handoff including a photo detector socket / light socket, communicates using wireless, infrared, laser and so on [abstract, col.8, lines 25-29, lines 49-51 and claim 4].

Regarding claims 10 & 12-14, Mowery, Jr. teaches the system for handoff including communication network which **multi sites** of users can be communicated by radio frequency signal / wireless [col.11, lines 1-22, and col.13, lines 1-9]; and

- the power line communication with an integrated circuit and real time [col.7, lines 10-15 and col.8, lines 25-34].

Regarding claim 23, Mowery, Jr. teaches a system for handoff [col.13, lines 1-9, col.18, lines 24-33 and abstract] comprising:

- tethered or untethered device with power line communication to a street light (35) / highway [fig.2, col.6, lines 38-46, col.7, lines 1-25, col.10, lines 24-62 and col.13, lines 44-50];
- the power line communication with an integrated circuit and real time [col.7, lines 10-15 and col.8, lines 25-34];

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- reassigning a first untethered device and second tethered device within a first cell and a different tethered device within the first cell or second cell [col.12, lines 19-25 and col.13, lines 1-9].

The reference of Mowery, Jr. does not specifically mention exactly terms as "first base station" and "second base station" as claimed by the applicant because that is obvious design choice of the skilled artisan.

Mowery, Jr. teaches the technique of system for handoff including reassigning a first untethered device and second tethered device within a first cell and a different tethered device within the first cell or second cell and also mentions **multi sites** of users can be communicated by radio frequency signal / wireless [col.9, lines 23-64, col.12, lines 19-25 and col.13, lines 1-9].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the system of Mowery, Jr. to perform the same function as desired.

Regarding claims 24-26, Mowery, Jr. teaches the system for handoff including a photo detector socket / light socket, communicates using wireless, infrared, laser and so on [abstract, col.8, lines 25-29, lines 49-51 and claim 4].

Regarding claims 27-28, Mowery, Jr. teaches the system for handoff including communication network which **multi sites** of users can be communicated by radio frequency signal / wireless [col.11, lines 1-22, and col.13, lines 1-9].

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Connolly et al. (U.S. 5,325,419).
- Lee et al. (U.S. 5,758,287).

Arguments & Responses

5. Applicant's argument filed on July 26, 2007 have been fully considered but they are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982. The examiner can normally be reached on Monday to Friday from 9:00 am to 6:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffrey can be reached on (571) 272-2981. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

HUNG NGUYEN
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Hungnguyen', with a stylized, cursive script.

Examiner: Hung T. Nguyen

Date: Aug. 8, 2007